

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL 395

Call to Order: By **CHAIRMAN GARY L. PERRY**, on April 16, 2003 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Rep. Joe Balyeat, Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Debbie Shea (D)
Rep. Pat Wagman (R)
Rep. George Golie (D)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Branch
Tari Elam, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 395; 4/14/2003
Executive Action: SB 395 - ADOPTED AS AMENDED

[PLEASE NOTE: NO AUDIO RECORDING WAS MADE OF THIS MEETING]

CHAIRMAN GARY PERRY indicated amendments to the original **#SB 395-1**, proffered and subsequently modified by the House, are contained within **SB 039507.ads** (amendment identify number provided subsequent to the meeting).

REPRESENTATIVE JOE BALYEAT stated the first amendment removes language proposed by the House which limited access to residents only. He explained the language creates an impermissible constraint in violation of the state and federal constitutions. He then briefly alluded to the three other changes. The second terminology change is necessary to conform with the first amendment. The third and fourth modify fees charged for the license.

SENATOR GREG BARKUS inquired whether having a disparity in fees charged to residents, as opposed to non-residents, also presents a constitutional issue.

REP. BALYEAT replied in the negative, noting a state has an protected interest with regard to establishing fees. Non-resident hunters may be charged more, however, the fees may not be so high as to create an impenetrable barrier. Further, he would like to see the fees set at \$75 for residents and \$750 for nonresidents.

REPRESENTATIVE PAT WAGMAN requested an explanation regarding **REP. BALYEAT's** request.

REP. BALYEAT explained his proposal more closely reflects current fees for elk, moose, and other large game.

REPRESENTATIVE GEORGE GOLIE stated he would prefer nonresidents be excluded from obtaining the licenses.

REP. BALYEAT, again noting the constitutional issue, stated there will be very few licenses issued each year, thus the process will be very competitive in nature.

Motion: **BALYEAT** moved that **SB 039507.ads** **DO PASS**.

Discussion:

REP. BALYEAT requested the amendment be conceptually amended to read: "\$75; nonresident \$750.00."

SEN. BARKUS stated his opposition to reducing the fee.

Vote: motion to **DO PASS** **SB039507.ads**, as conceptually amended, carried 5-1; with **BARKUS** voting **NO**.

REP. BALLYEAT explained the second proposal offered by the House, **#SB 395-1**, was necessary to prevent potential, inappropriate actions on the part of employees of the department. The third proposal, **#SB 395**, is a simple "whereas" statement of intention. A brief discussion regarding Fish, Wildlife & Parks rule making authority occurred.

Motion/Vote: **REP. BALLYEAT** moved that **SB 395 DO PASS AS AMENDED**.
Motion carried unanimously.

ADJOURNMENT

Adjournment: 10:30 A.M.

SEN. GARY L. PERRY, Chairman

TARI ELAM, Secretary

JB/GP/TE

EXHIBIT (ccs82sb0395aad)